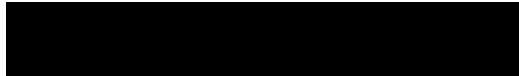


EXHIBIT 7



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TQ DELTA, LLC,)
)
Plaintiff,)
) C.A. No. 13-1835-RGA
v.) Family 2
)
2WIRE, INC.,) JURY TRIAL DEMANDED
)
Defendant.)

J. Caleb Boggs Courthouse
844 North King Street
Wilmington, Delaware

Monday, January 13, 2020
9:00 a.m.
Trial Volume 1

BEFORE: THE HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

APPEARANCES:

FARNAN, LLP
BY: MICHAEL J. FARNAN, ESQUIRE

-and-

McANDREWS HELD & MALLOY
BY: PETER J. McANDREWS, ESQUIRE
BY: PAUL W. McANDREWS, ESQUIRE
BY: THOMAS J. WIMBISCUS, ESQUIRE
BY: RAJENDRA A. CHIPLUNKAR, ESQUIRE
BY: ASHLEY RATYCZ, ESQUIRE

-and-

ROBINS KAPLAN LLP
BY: DAVID A. PRANGE, ESQUIRE

For the Plaintiff

1 APPEARANCES CONTINUED:

2 MORGAN LEWIS & BOCKIUS LLP
3 BY: JODY C. BARILLARE, ESQUIRE

4 -and-

5 GOODWIN PROCTER LLP
6 BY: BRETT SCHUMAN, ESQUIRE
7 BY: DOUGLAS KLINE, ESQUIRE
8 BY: ANDREW ONG, ESQUIRE
9 BY: RACHEL M. WALSH, ESQUIRE

10 For the Defendant

11 *** PROCEEDINGS ***

12 DEPUTY CLERK: All rise.

13 THE COURT: All right. Good morning, everyone.
14 Please be seated.

15 So the only thing that I have at all on my
16 agenda here -- that's not actually true. The main thing
17 that I have on my agenda here is that I did get the two
18 letters and the deposition designations, and I don't have a
19 answer for you right now. Although I think that once we
20 take out the things that 2Wire says it's not actually
21 proposing, basically we have two different series of
22 questions and answers, and they only take up about two or
23 three pages of the transcript. So I'm reading them, but I
24 haven't finished reading them yet, but I will probably do
25 that while you're passing the exhibits back and forth to
pick the jury.

Just to refresh my memory on this, basically

Tzannes - Cross

1 latency among bonded lines; isn't that right?

2 A. So, okay, I don't know what you mean by that exactly.
3 Like I said, the ideas came from me and from my
4 co-inventors, so these ideas ended up in the standard in
5 both places. So of course I -- what do you mean propose,
6 what do you mean by propose?

7 Q. Matt, can we go to -- hold on Matt.

8 Do you know who Hugh Barrass is, Mr. Tzannes?

9 A. Yes.

10 Q. Hugh Barrass was with a company called Cisco Systems;
11 right?

12 A. Uh-huh.

13 Q. And Cisco Systems participated in 802.3ah; right?

14 A. Yes.

15 Q. And Mr. Barrass made contributions regarding how
16 differential delay among bonded transceivers should be
17 handled in 802.3ah; right?

18 A. Yes.

19 Q. In fact, it was Mr. Barrass who made the proposal to
20 limit to some maximum the differential latency among bonded
21 transceivers in 802.3ah; isn't that right?

22 A. Yes. And he made that proposal after my -- he makes
23 this propose, he's aware of my idea. This happened all the
24 time, counselor, so if you have a good idea, other people
25 can actually support it, and they will make contributions by

Tzannes - Cross

1 saying hey, this is the way we should do this. So you're
2 talking about much later, you understand, this happened much
3 later, all these contributions, after my idea and my patent
4 was already published, it's already actually out there.

5 Q. Are you testifying, Mr. Tzannes, that's when Mr. Hugh
6 Barrass from Cisco Systems proposed limiting maximum
7 differential delay on bonded lines on 802.3ah he was
8 actually ripping off our idea?

9 A. No, I'm saying the opposite, I'm not saying that. I
10 can show you numerous contributions, I have made them, other
11 people have made them, that involve ideas that maybe other
12 people come up with. Like you said, I didn't invent the
13 Reed Solomon coder, but I like Reed Solomon code so I
14 propose it. Does that mean I'm ripping off Reed Solomon?
15 No. If it's a good idea, you propose it.

16 Q. You're aware there is a database maintained by the
17 IEEE, Mr. Tzannes, on the people who make comments on
18 standards as they're being developed at the IEEE?

19 A. I'm sure there is.

20 Q. You're aware that that database reflects a comment
21 from Mr. Barrass which tracks almost precisely the language
22 in the 802.3ah standard for dealing with differential
23 latency among bonded transceivers?

24 A. Say that again.

25 Q. You're aware that the language in the comment from

Tzannes - Cross

1 Mr. Barrass in the IEEE 802.3ah database tracks nearly word
2 for word the language that winds up in the 802.3ah standard
3 for how to deal with differential latency between bonded
4 transceivers?

5 A. I'm not surprised, if Hugh made a proposal, again,
6 based on my idea that he word it in a certain way that
7 standards committee liked the wording, they may have adopted
8 his language.

9 Q. Can you put up the comparison.

10 Mr. Tzannes, at the top is Mr. Barrass's comment
11 in the IEEE 802.3ah database for how to deal with
12 differential latency among bonded transceivers. He says the
13 PMD control of aggregated links must ensure that the maximum
14 latency difference between any two aggregated links
15 corresponds to no more than 64,000 bit times. This must be
16 achieved by adjusting the bit rate, error correction and
17 interleaving functions in the PMA/PMD of each link. Note
18 that the burst noise protection offered by the error
19 correction and interleaving functions is directly
20 proportional to the latency, therefore, it is logical that
21 multiple aggregated links in the same environment should be
22 optimized to have similar latencies.

23 Did I read that correctly?

24 A. Yes.

25 Q. Okay. And did you have an independent recollection,

Tzannes - Cross

1 as you sit here today, Mr. Tzannes, that that was
2 Mr. Barrass' contribution to 802.3ah?

3 MR. PAUL McANDREWS: Your Honor, I object under
4 402 and 403 as a defense that has never been set forth. I
5 request a side-bar.

6 THE COURT: I don't think it actually is a
7 defense, but that doesn't mean that it's not relevant so I'm
8 going to overrule the objection.

9 MR. PAUL McANDREWS: Thank you, Your Honor.

10 BY MR. SCHUMAN:

11 Q. And then what we have here, Mr. Tzannes, this is
12 actually the language -- the lower part of the slide is
13 actually the language in the 802.3ah standard, the one
14 that's incorporated into 998.2; right?

15 A. Right.

16 Q. And it starts out by saying the PMD control of
17 aggregated links controls the maximum latency difference
18 between any two aggregated links. Pretty similar to the
19 first sentence of Mr. Barrass' comment; right?

20 A. Yes.

21 Q. The difference is actually the must ensure that is
22 removed when we get to the 802.3ah standard for Mr. Barrass'
23 comment; right?

24 A. Yeah, I see that.

25 Q. Okay. And then the next sentence that was actually

Tzannes - Cross

1 in the standard says, This is achieved by configuring the
2 bit rate, error correction, and interleaving functions in
3 the PMA/PMD of each link.

4 That's pretty close to what Mr. Barrass said in
5 the second sentence of his comment; right?

6 A. Yes.

7 Q. And actually the difference is Mr. Barrass said this
8 must be achieved by adjusting the bit rate, error
9 correction, and interleaving function. And when we get to
10 the final standard, it no longer says this must be achieved;
11 right? The must be is removed; right?

12 A. Yes.

13 Q. And then the third sentence winds up in the final
14 standard says, The burst noise protection offered by the
15 error correction and interleaving functions is directly
16 proportional to the latency, therefore it is logical that
17 multiple aggregated links in the same environment should be
18 optimized to have similar latencies.

19 And the only difference between that third
20 sentence of what's actually in the standard and what
21 Mr. Barrass' comments should be in the standard is the
22 removal of the words note that; correct?

23 A. Correct.

24 Q. You knew Mr. Barrass; right?

25 A. Yeah.

Tzannes - Redirect

1 Q. He since passed away. You know that; right?

2 A. I know.

3 Q. Did you ever tell Mr. Barrass that you had a patent
4 dealing with what he was proposing here for IEEE 802.3ah?

5 A. Oh, he knew it. He knew it already.

6 MR. SCHUMAN: Thank you, Mr. Tzannes. I don't
7 have anymore questions for Mr. Tzannes.

8 THE COURT: Any redirect?

9 MR. PAUL McANDREWS: Yes, Your Honor, just a few
10 questions.

11 THE COURT: Sure.

12 REDIRECT EXAMINATION

13 BY MR. PAUL McANDREWS:

14 Q. Could you please -- I'm sorry would you please put --
15 go ahead.

16 MR. SCHUMAN: Your Honor, I want to move to
17 admit JTX 25. It's the joint trial exhibit that's the
18 802.3ah standard.

19 MR. PAUL McANDREWS: Without objection.

20 THE COURT: Without objection.

21 (JTX 25 was admitted into evidence.)

22 MR. PAUL McANDREWS: Would you please put back
23 up on the screen the comments from Mr. Barrass that
24 Mr. Schuman was just presenting to him?

25 BY MR. PAUL McANDREWS: